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Tarrant County Texas

Official Public Records

4/5/2011 2:07 PM

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*Mary Louise Garcia*

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RESERVED FOR ELECTRONIC RECORDING

*The State of Texas,  
County of Tarrant,*

*Know All Men by These Presents:*

### AMENDMENT

To

"No Surface Use Oil, Gas and Mineral Lease"

WHEREAS, heretofore, under date of March 13, 2009, Jeffery Scott Baum, whose address is 1320 S. Lake Street, Suite 200, Fort Worth, Texas 76102, as Lessor, did execute and deliver unto XTO Energy Inc., whose address is 810 Houston Street, Fort Worth, Texas 76102, as Lessee, a No Surface Use Oil, Gas and Mineral Lease, a Memorandum of which is recorded as Instrument No. D209071445 of the Official Public Records of Tarrant County, Texas, (hereinafter referred to as "said Lease") covering 7.352 acres, more or less, within Fossil Creek Phase II, an Addition to the City of Fort Worth, Tarrant County, Texas, (hereinafter referred to as "said Land"); and,

WHEREAS, reference to said Lease and to the record thereof being herein made for all purposes; and,

WHEREAS, in Article 1 of said Lease, "Lessor agrees to execute any supplemental instrument requested by Lessee for a more complete or accurate description" of said Land; and

WHEREAS, it is the desire of Lessor and Lessee to amend the description of said Land in said Lease.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the undersigned do hereby agree as follows:

1. Amendment: The Land Description of EXHIBIT 'A' attached to said Lease which currently reads as follows:

"6.8298 acres, more or less, situated in the J.M Robinson Survey, Abstract No. 1345, and the L.N. Stapp Survey, Abstract No. 1422, Tarrant County, Texas, and being a portion of BLOCK 1, FOSSIL CREEK PHASE II, as recorded in Volume 388-141, Page 51, Plat Records, Tarrant County, Texas, and being a portion of Parcel H-1 and OS-7, and being more particularly described by metes and bounds in EXHIBIT "A" of Quit Claim dated June 1, 2004, from Pulte Home Corporation of Texas, recorded as Instrument No. D204187631 in the Official Public Records, Tarrant County, Texas."

is hereby amended in its entirety to read as follows:

"7.352 acres, more or less, situated in the J.M Robinson Survey, Abstract No. 1345, and the I.N. Stapp Survey, Abstract No. 1422, Tarrant County, Texas, more particularly described in EXHIBIT "A"

of a Quit Claim dated June 1, 2004, from Hills of Fossil Creek Homeowners Association, Inc., to Pulte Home Corporation of Texas, recorded as Instrument No. D204187631 in the Official Public Record, Tarrant County, Texas."

2. Amendment: A portion of Paragraph 1 currently reads as follows:

"For the purpose of determining the amount of any bonus or other payment hereunder, said land shall be deemed to contain 6.8298 acres, whether actually containing more or less, and the above recital of acreage in any tract shall be deemed to be the true acreage thereof."

is hereby amended in its entirety to read as follows:

"For the purpose of determining the amount of any bonus or other payment hereunder, said land shall be deemed to contain 7.352 acres, whether actually containing more or less, and the above recital of acreage in any tract shall be deemed to be the true acreage thereof."

It is understood and agreed by all parties hereto that in all other respects, said Lease and the prior provisions thereto, shall remain in full force and effect and each of the undersigned does hereby ratify and confirm said Lease as hereby amended.

This Amendment shall be binding upon and inure to the benefit of the parties hereto, their respective heirs, legal representatives, successors and assigns.

The failure of one or more parties to execute this instrument shall not in any manner affect the validity and binding effect of same as to the parties who execute said instrument.

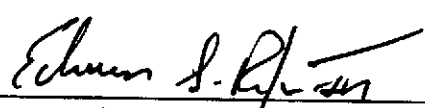
IN WITNESS WHEREOF, this Amendment to No Surface Use Oil, Gas and Mineral Lease is executed by the parties hereto on the dates of their respective acknowledgments, but made effective for all purposes as of March 13, 2009.

LESSOR(S):

  
Jeffery Scott Baum

LESSEE:

  
XTO ENERGY INC.

  
By: Edwin S. Ryan, Jr.  
Sr. Vice President Land Administration

ACKNOWLEDGMENTS

State of Texas       }  
County of Tarrant    }

11<sup>th</sup> This instrument was acknowledged before me on this  
day of February, 2011, by Jeffery Scott Baum.

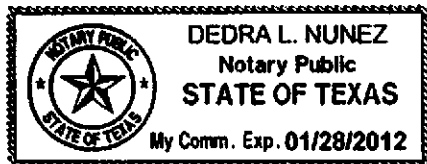
Halley Lemond  
Notary Public,  
in and for The State of Texas.

(Seal)



State of Texas       }  
County of Tarrant    }

30<sup>th</sup> This instrument was acknowledged before me on this  
day of March, 2011, by Edwin S. Ryan, Jr., Sr.  
Vice President Land Administration of XTO Energy Inc., a Delaware  
corporation, on behalf of said corporation.



Dedra L. Nunez  
Notary Public  
in and for The State of Texas.

(Seal)